Remarks/Arguments

This response is filed in response to an Office Action dated May 26, 2010, from the United States Patent and Trademark Office in connection with the above identified application.

Applicant has carefully studied the outstanding Office Action. The present response is intended to be fully responsive to all points of rejection raised by the Examiner.

Claims 1-26 are pending in the application. Claims 1, 7, 8, 9,11 and 16 have been amended. Reconsideration of the application is respectfully requested.

Reconsideration of the rejections is respectfully requested.

Claim Rejections – under 35 USC § 112

Claim 16 stands rejected under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16 has been amended to overcome the 'insufficient antecedent basis" rejection. The rejection is thus moot.

Claim Rejections – under 35 USC § 103

Claims 1-6 stand rejected a) as being unpatentable over Gilbert (US 7,580,374) in view of Spencer (US 2002/0184624). Applicant respectfully traverses this rejection in view of the remarks that follow.

Independent claim 1 has been amended and recites "a system for a directing party to simultaneously communicate with a plurality of participants", which inter alia, comprises " a dialing server being configured to simultaneously communicate with the plurality of participants; and a control unit directly controlled by the directing party wherein the directing party, *independently and in real time,* controls the communication between the control unit and the plurality of participants (emphasis added).

Gilbert describes a system for setting-up a telephone conference between a host party and at least one participant party. At the meeting time, the system dials the meeting participants. Once the system of Gilbert has dialed and connected the participants of the conference call, the system has no need for communicating with the "directing party" and with the plurality of participants. Thus there is no motivation for Gilbert to use the feature

of claim 1, wherein the directing party independently and in real time, controls the communication between the control unit and the plurality of participants. Furthermore, in Gilbert, the host of the conference, is no longer in control of the control unit once the conference started. Moreover, the host, in Gilbert, does not have control of the dialing process at all, in contrast to claim 1 wherein the directing party controls the <u>entire dialing and broadcasting process</u> in real time.

Applicant respectfully submits that Gilbert does not describe or suggest "a control unit directly controlled by the directing party wherein the directing party<u>, *independently and in real time,*</u> controls the<u> entire dialing and broadcasting process with</u> the plurality of participants

The Office Action concedes that Gilbert does not disclose *a dialing server being configured to simultaneously communicate with the plurality of participants.* The Office Action relies on the method described by Spencer, for the feature describe in claim 1, namely: "*the dialing server is configured to simultaneously communicate with the plurality of participants*".

Spencer describes a system wherein a digital television receiver in a computer for receiving a broadcast digital signal and a process for the receiver to share a resource cache with multiple clients. In order to receive the signal, the client controls the receipt of the signal from the broadcaster.

Applicant respectfully submits that the Office Action is mistaken in attributing to Spencer a "*<u>dialing server</u> is configured to simultaneously communicate with the plurality of participants*" Para 0043 refers to a PDA for displaying content of broadcasts program received by the personal computer. Spencer does not even mention a "<u>*dialing server*</u>"!

Furthermore, in contrast to Spencer, the dialing server of present invention actively dials the plurality of participants, establishes communication with them and then provides them with information. Thus, Spencer does not overcome the deficiencies of Gilbert.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 347, 21 USPQ2d 1941 (Fed Cir. 1992).

Applicants respectfully submit that the combination of Gilbert and Spencer does not meet the requirements of a prima facie showing of obviousness in that neither Gilbert nor Spencer alone or in combination teaches or suggests every feature of claim 1.

Since claims 2-6 depend from claim 1, Applicant believes the rejection of these claims has been overcome for at least the same reasons.

Claim Rejections – under 35 U.S.C. §102

Claims 7 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Spencer (US 2002/0184624).

Independent claim 7 has been amended.

As is well-established, in order to successfully assert a prima facie case of anticipation, the Examiner must provide a single prior art document that includes every element and limitation of the claim or claims being rejected. Therefore, if even one element or limitation is missing from the cited document, the Examiner has not succeeded in making a prima facie case.

Claim 7 (as amended) recites a method for communicating with a plurality of participants, the method comprising the step of a directing party independently controlling, in real-time, the simultaneous communication with the plurality of participants.

Spencer describes a system wherein a digital television receiver in a computer for receiving a broadcast digital signal and a process for the receiver to share a resource cache with multiple clients. Para 0020 (cited by the Office Action) clearly states that *stored data is provided to the computer display whenever requested by a system user*. In other words, the system of Spencer is merely passive and *does not control* the simultaneous communication with a plurality of participants. Moreover, the "directing party" of Spencer is just a trigger which sends and disappears, in contrast to the present invention, wherein the directing party stays in control of the dialing server and controls the communication as it happens in real time.

Applicant respectfully submits that the Office Action is mistaken in attributing to Spencer the feature of the invention, wherein "a directing party independently controlling, in real-time, the simultaneous communication with the plurality of participants".

Thus, Applicants respectfully submit that Spencer does not anticipate Applicants' claim 7.

With regard to claim 10, Applicant respectfully submits that the Office Action is mistaken in stating that Spencer *"clearly shows the method, wherein said simultaneous communication comprises any of a group of services including polling, consumer surveys, sending messages, sending alerts and conducting interviews"*. Spencer has no need for simultaneous communication and does not even mention " *a group of services including polling, consumer surveys, sending messages, sending alerts and conducting interviews"*! As mentioned hereinabove, the clients of Spencer actively interrogate the server to obtain the information they need or to trigger synchronization of the loaded web page. Thus, in Spencer, without the client's initiative, the cycle is not completed and the new data is not transmitted to the client. In contrast to Spencer, in the current invention, the server is actively dials the client and controls communication (such as "polling", or "conducting interviews", for example). Spencer does not describe or suggest controlling the communication.

Thus, Applicants respectfully submit that Spencer does not anticipate Applicants' claim 10.

Furthermore, claim 10 is dependent from claim 7 and thus is not anticipated by Spencer for the same reasons as discussed above with regard to claim 7.

Claim Rejections – under 35 USC § 103

Claims 8 - 9, 16, and 23 - 26, stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer (Pub. No: US 2002/0184624; hereinafter Spencer) in view of Bezar (Pub. No.: US 2004/0093218; hereinafter Bezar).

Claims 11 - 15, stand rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer in view of Bezar and further in view of Strauss et al (patent No.: 5,940,598; hereinafter Strauss).

Claims 17 - 22, are rejected under 35 U.S.C. 103(a) as being unpatentable over Spencer in view of Penfield et al (Patent No: US 6,480,591; hereinafter Penfield) and further in view of Dorenbosch et al (Pub. No: US 2004/0064355; hereinafter Dorenbosch).

Applicant respectfully traverses this rejection in view of the remarks that follow.

Claims 8, 9, 11 and 16 have been amended.

Claim 7 has been discussed above and is relevant here. As discussed, Spencer does not disclose the inventive feature of claim 7, since the system of Spencer is merely passive and *does not initiate* the simultaneous communication.

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With regard to claim 8, which is dependent from claim 7, the Office Action concedes that Spencer does not disclose the step of *"analyzing the responses of the plurality of participants to said simultaneous communication."*

The Office Action relies on the method described by Bezar for this step. Bezar describes a system and method for validating the truthfulness and intent of participants by analyzing the participants' speech pattern.

Bezar validates the truthfulness of participants on a one by one basis and does not describe or disclose simultaneous communication with a plurality of participants Bezar does not describe or suggest the feature of claim 7, namely *" the step of a directing party independently controlling, in real-time, the simultaneous communication with the plurality of participants".* Thus, Bezar does not overcome the limitations of Spencer.

Furthermore, Bezar does not describe or disclose the feature of claim 8, namely: *"statistically* analyzing the responses *in real time* of the plurality of participants to the simultaneous communication".

Thus, Bezar does not describe or suggest the features of either of claims 7 and 8.

Applicants respectfully submit that the combination of Spencer and Bezar does not meet the requirements of an obvious rejection in that neither teaches nor suggests, alone or in combination, the features of claims 7 and/or 8 of the present invention.

Since claims 9, 16, and 23 – 26 depend directly or indirectly from either of claims 7 and 8, Applicant believes the rejection of these claims has been overcome for at least the same reasons.

Furthermore, Applicants respectfully submit that the dependent claims contain additional inventive features, not disclosed in the prior art, as described in the examples below.

For example, amended claim 9, discloses the feature of *"terminating the simultaneous communication after an analysis of the responses from a percentage of the plurality of participants".* Neither Spencer nor Bezar describes or suggest the option of terminating the simultaneous communication, *in real time,* after analyzing the response. Furthermore, Bezar does not control the communication at all, since the server of Bezar is passive until a caller calls in.

With regard to claim 16, Spencer does not describe or suggest "time period" and "recurrence" features of claim 16. Spencer describes interrogation, which is done all the time at certain time intervals, which he calls "timing". In contrast, claim16 discloses

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communication at a specific time during the day, for a certain "time period" and if the communication is not completed there are more tries at that time period in the next day, as defined by the number of occurrences ("recurrence interval"). Clearly the algorithm of Spencer does not allow for this mechanism.

With regard to claims 23-24, Bezar analyzes the response of each caller individually, in order to ascertain the truthfulness of the caller and as such Bezar has no use for a collective analysis of all the responses. Therefore, Bezar does not describe or suggest collective analysis of a group of caller and thus has no need to prepare graphs or charts of the responses, as disclosed in claim 24.

With regard to claims 25-26, claim 25 discloses the step wherein a directing party initiates and control in real time the simultaneous communication with plurality of participants by allocating a certain time slot in which callers can call a server, and the server will play a script that was prepared by the directing party. Neither Spencer nor Bezar describe or suggest the directing party creating the script that is played to the caller.

Similarly, claim 26 discloses a further feature of the script, allowing the caller to be transferred to a human resource, a feature which is not described or suggested by either Spencer or Bezar. The method of Spencer allows for the server to dial out and the called parties are bridged together to have a conference between themselves, so there is no need to *transfer* a caller. Bezar is not related to an audio conversation at all, so that the transfer of a caller to a human resource is not relevant.

With regard to claim 11, the Office Action uses Strauss to clarify the feature of "filtering a distribution list" in claim 11. As the Office Action states, Strauss provides "multimode communications via a combination of the public switched telephone network (PSTN) and public packet data network". Furthermore, the filtering described by Strauss occurs *after* the communication starts, namely based on the type of device that answers the call. In contrast, amended claim 11 discloses filtering which is based on the type of the device and which occurs prior to communication.

Claim 12 discloses that the distribution list may include non-audio devices such as email addresses, for example. This feature is not described or suggested by Strauss which is limited to devices that can answer an audio call

Furthermore, claim 11 discloses a method wherein the directing party constructs the script, which is not described or suggested by either of Spencer, Bezar or Strauss.

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Strauss does not describe or disclose the feature of claim 7, namely: "a method for communicating with a plurality of participants, the method comprising the step of a directing party independently controlling, in real-time, the simultaneous communication with the plurality of participants". Thus Strauss does not overcome the limitations of Spencer and Bezar.

Since claims 12-15 depend directly or indirectly from claim 7, Applicant believes the rejection of these claims has been overcome for at least the same reasons.

In addition, with regard to claims 13-15, as already said above, none of the prior art references cited allow for the directing party to construct the script.

With regard to claims 17-22, the Office Action cites Penfield and/or Dorenbosch as describing further features of the invention disclosed in claims 17-22. Neither Penfield nor Dorenbosch describe or disclose the feature of claim 7 and thus, neither Penfield nor Dorenbosch overcome the limitations of Spencer.

Since claims 17-22 depend directly or indirectly from claim 7, Applicant believes the rejection of these claims has been overcome for at least the same reasons.

Conclusion

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone, communicate via Fax and mail to the undersigned counsel.

In view of the above amendments and remarks, it is respectfully submitted that the claims, namely claims 1-26, are patentable over the art of record and are now in condition for allowance. Prompt notice of allowance is respectfully solicited.

Respectfully submitted,

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